

# Exhibit 3

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

DON GIBSON, LAUREN CRISS, JOHN MEINERS, and DANIEL UMPA, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

NATIONAL ASSOCIATION OF REALTORS, et al.,

Defendants.

Civil Action No. 4:23-cv-00788-SRB

[Consolidated with 4:23-cv-00945-SRB]

**DECLARATION OF BRANDON J.B. BOULWARE  
IN SUPPORT OF CLASS COUNSEL'S  
MOTION FOR ATTORNEY'S FEES, COSTS, EXPENSES AND SERVICE AWARDS**

I, Brandon J.B. Boulware, state under oath, as follows:

1. I am a partner at Boulware Law LLC. I am admitted to this Court and am one of the attorneys for Plaintiffs and the Class. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards. I make this statement of my own personal knowledge, and if called to testify, would testify competently thereto.<sup>1</sup>

2. The following is a brief description of my professional background and the background of my firm. I am the founding partner of Boulware Law LLC where I focus my practice on complex litigation with an emphasis on antitrust litigation. Before my involvement in this case, I previously served as counsel for large corporate direct-action plaintiffs in antitrust matters involving polyurethane foam, containerboard, and rail freight surcharge. My law partner,

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<sup>1</sup> I have reviewed the declarations of co-counsel and adopt—but do not repeat here—their statements.

Jeremy Suhr, and I have also worked as lead defense counsel in multiple antitrust class action matters throughout the country for corporate and individual clients, including MDL class actions. Beyond our antitrust practice, we have significant experience prosecuting and defending—and successfully trying before juries—other complex matters in Missouri, Kansas, and other states. Short biographies of Boulware Law attorneys (Brandon Boulware, Jeremy Suhr, and Andrew Ascher) can be found at [www.boulware-law.com](http://www.boulware-law.com).

3. Boulware Law was appointed as Lead Class Counsel, along with Williams Dirks Dameron LLC, Ketchmark & McCreight, P.C., Cohen Milstein Sellers & Toll PLLC, Hagens Berman Sobol Shapiro LLP, and Susman Godfrey L.L.P. on behalf of the Class in the above-captioned case.

4. Our firm was also appointed as Lead Class Counsel, along with Williams Dirks Dameron LLC and Ketchmark & McCreight, P.C. in *Burnett, et al. v. The National Association of Realtors, et al.*, case number 4:19-cv-00332-SRB. The *Burnett* case challenged a system that at its core had been in existence for decades, and previous challenges to the system had been unsuccessful. We developed and prosecuted this case based on the central premise that Defendants' anticompetitive conspiracy has resulted in home sellers in Missouri-based markets (and, indeed, across the country) pay supra-competitive real estate broker commissions. The harm caused is in the billions of dollars, as we established at trial.

5. In *Burnett*, my firm, along with co-counsel, filed the original Class Action Complaint in April 2019. Our firm has been involved in every aspect of the litigation over the last five years, including but not limited to:

- researching the initial theory;
- drafting the original Class Action Complaint;

- briefing early-stage pretrial motions (including multiple attempts by Defendants to transfer, stay, and dismiss the case);
- negotiating ESI discovery;
- drafting written discovery;
- briefing and arguing discovery disputes;
- reviewing and coding millions of pages of documents produced by Defendants and third parties;
- working with class and merits expert witnesses;
- traveling to and taking in-person depositions across the country;
- traveling to and taking in-person depositions of experts across the country;
- preparing for and defending depositions of plaintiffs;
- preparing for and defending depositions of expert witnesses;
- researching and briefing arguments before the Eighth Circuit Court of Appeals;
- researching and briefing class certification;
- researching and briefing dispositive motions;
- researching and briefing pre-trial motions;
- preparing for trial (including multiple mock jury exercises);
- attending and participating in pretrial hearings;
- participating in the trial of the case; and
- participating in formal and informal mediation sessions with various defendants.

6. Following a verdict of nearly \$1.8B in the *Burnett* case on October 31, 2023, our firm, along with co-counsel, filed a Class Action Complaint in the *Gibson* matter. Our firm is involved in every aspect of the litigation in the *Gibson* case, including but not limited to court

hearings, discovery, briefing dispositive motions, and participating in formal mediation and settlement negotiations.

7. Boulware Law is a small firm—three attorneys and one paralegal. That means this case was an “all-in” lawsuit for the firm. Each of us at Boulware Law have worked tirelessly—late nights and weekends included—for our clients. By dedicating our limited resources to this litigation, we risked much. We did so because we believed in the merits of the litigation and recognized that if we did not stand up for home sellers here, Defendants’ anticompetitive scheme would continue. And though we have reached sizable settlements with several Defendants, our firm has not yet been compensated for its work.

8. Counsel for the Plaintiffs have expended significant time and resources to achieve the settlements for the class. After an exercise of billing judgment, Boulware Law attorneys and staff expended 15,732.4 hours pursuing these claims in *Burnett* and *Gibson* from inception through July 2024, and the total lodestar for our firm is \$14,314,300.00. We devoted our time to this litigation even when we could have worked on other cases with far less risk. A total summary of the hours and lodestar for our firm is attached hereto as **Exhibit A**.

9. Throughout the litigation, we worked to maximize efficiency and minimize unnecessary or duplicative billing. All firms who have performed work on behalf of the Plaintiffs have been instructed by Co-Lead Counsel to keep detailed time and expense records, including what time would be considered for reimbursement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of August 2024, at Kansas City, Missouri.

/s/ Brandon J.B. Boulware  
BRANDON J.B. BOULWARE

## **EXHIBIT A**

### **Plaintiffs' Lodestar through July 31, 2024**

**Boulware Law LLC**

<b>TIMEKEEPER</b>	<b>POSITION</b>	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
Brandon Boulware	Attorney	5,825.6	\$1,250	\$7,282,000.00
Jeremy Suhr	Attorney	3,558.9	\$1,100	\$3,914,790.00
Erin Lawrence	Attorney	2,211.7	\$850	\$1,879,945.00
Andrew Ascher	Attorney	0.1	\$600	\$60.00
Kim Donnelly	Paralegal	4,117.1	\$300	\$1,235,130.00
Catherine Henne	Law Clerk	19.0	\$125	\$2,375.00
	<b>TOTAL HOURS</b>	<b>15,732.4</b>	<b>TOTAL</b>	<b>\$14,314,300.00</b>